

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2020 Legislative Session, Legislative Day No. : December 8, 2020

Bill No.: 1467

Expiration Date: February 11, 2021

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

AN ORDINANCE TO ADOPT THE CODIFICATION AND REVISION OF THE ORDINANCES OF TALBOT COUNTY, MARYLAND; PROVIDING FOR THE MAINTENANCE OF SAID CODE; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN SUBSTANTIVE CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

By the Council: December 8, 2020

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, January 12, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order 
Susan W. Moran, Secretary

AN ORDINANCE TO ADOPT THE CODIFICATION AND REVISION OF THE ORDINANCES OF TALBOT COUNTY, MARYLAND; PROVIDING FOR THE MAINTENANCE OF SAID CODE; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN SUBSTANTIVE CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

WHEREAS, Section 219 of the Talbot County Charter requires the County Council to periodically compile and codify all laws of the County:

At intervals not greater than every twenty years, the Council shall compile and codify all laws of the County then in effect. Each codification shall be known as the "Talbot County Code." The code shall be published with an index and appropriate notes, citations, annotations, and appendices as the Council determines. Not later than March 1 of each year, except those years in which a complete new code is published, the Council shall prepare and publish a cumulative supplement to the County Code of Laws.

WHEREAS, the County Council last compiled and codified the laws of the County in 2001 through the adoption of Talbot County Bill 837; and,

WHEREAS, the Talbot County Code is due to be compiled and codified anew as required by Section 219 of the Talbot County Charter.

BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

SECTION ONE:

**Article I
Adoption of Code**

§ 1-1 Adoption of Code.

The ordinances of Talbot County of a general and permanent nature, adopted by the County Council of Talbot County, as revised, codified and consolidated into chapters and sections and consisting of Chapters 1 through 190, are hereby approved, adopted, ordained and enacted as the "Talbot County Code," hereinafter known and referred to as the "Code."

§ 1-2 Code supersedes prior inconsistent legislation.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code which are inconsistent with the ordinances included in the Code.

§ 1-3 Effective date.

All provisions of this ordinance shall become effective (sixty) 60 calendar days after adoption.

§ 1-4 Copy of Code on file.

A copy of the Code in loose-leaf or post binder form has been filed in the office of the County

Manager and shall remain there for use and examination by the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Secretary of Talbot County by impressing thereon the Seal of the County, and such certified copy shall remain on file in the office of the County Manager, to be made available to persons desiring to examine the same during all times while the Code is in effect.

§ 1-5 Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the County Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Talbot County Code" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be published as amendments and supplements thereto.

§ 1-6 Publication and filing.

The County Manager of Talbot County, pursuant to law, shall cause to be published, in the manner required, a notice of the passage of this ordinance in a newspaper of general circulation in the County. Sufficient copies of the Code shall be maintained in the office of the County Manager for inspection by the public at all times during regular office hours. Publication of such notice, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7 Code to be kept up-to-date.

It shall be the duty of the County Secretary, or someone authorized and directed by the Secretary, to keep up-to-date the certified copy of the Code required to be filed in the County Manager's office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are published as supplements thereto.

§ 1-8 Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of Talbot County to be misrepresented thereby. Any violation of this section shall be punishable as a misdemeanor, the penalty for which shall be a fine not to exceed \$1,000 or imprisonment for a term not to exceed six months, or both such fine and imprisonment.

§ 1-9 Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or parts thereof.

§ 1-10 Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the County Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance as set forth in Schedule A attached hereto and made a part hereof. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

SECTION TWO: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FOUR: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1467 having been published, a public hearing was held on Tuesday, January 12, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: January 12, 2021

By Order 
Susan W. Moran, Secretary

Callahan	-	Aye
Divilio	-	Aye
Leshner	-	Aye
Price	-	Aye
Pack	-	Aye

EFFECTIVE DATE: March 13, 2021